

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

DEC 21 2019

UNITED STATES OF AMERICA
V.David J. Bradley, Clerk
CRIMINAL COMPLAINT

Guillermo Lopez-Perez

Principal

YOB: 1989

Mexico

Case Number:

M-19-3132-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 19, 2019 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Felix Antonio Banegas-Polanco and Javier Jimenez-Aguilar citizens and nationals of Honduras and Mexico, along with two (2) other undocumented aliens, for a total of four (4), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempted to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation, to wit: a residence located in Roma, Texas

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) FELONY
I further state that I am a(n) U.S. Border Patrol Agent and that this complaint is based on the following facts:

On December 19, 2019, Border Patrol Agents conducted surveillance at a residence identified as a house being used to harbor undocumented aliens. Agents observed a vehicle arrive at the location and a male carrying two white plastic bags, possibly groceries, entered the home. Several minutes later, the subject came out and boarded the vehicle. The vehicle drove off and agents began surveillance on the vehicle.

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on December 21, 2019.

SEE ATTACHMENT

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to and attested telephonically per Fed. R. Cr.P. 4.1, and probable cause found on:

/s/ Jose E. Diaz

Signature of Complainant

Jose E. Diaz

Border Patrol Agent

Printed Name of Complainant

December 21, 2019

12:04 p.m.

Date

at McAllen, Texas

City and State

Peter E. Ormsby

, U. S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-19-3132 -M

RE: Guillermo Lopez-Perez

CONTINUATION:

After conducting surveillance on the vehicle, agents approached the driver when he stopped at a residence. Agents questioned the driver and were informed of the location of the person that was seen going into the residence. The driver claimed it was his nephew, later identified as Guillermo Lopez-Perez, and told agents that he had information regarding another house that was being used to harbor illegal aliens. Agents arrived at a residence where they believed Lopez could be found. Agents approached the front door and knocked. Lopez answered the door. Agents identified themselves then asked Lopez if he could step outside. Lopez provided agents with a false name. After agents conducted an immigration inspection, he then confessed his true name and admitted to being an undocumented alien. Agents further questioned Lopez regarding the house they believed was being used to harbor undocumented aliens. Lopez admitted to agents that he knew of a stash house where four (4) undocumented aliens were being held. Lopez told agents he was in charge of taking care of the undocumented aliens. He also gave written consent to search the house. Lopez was taken into custody and accompanied agents to the residence located in Roma, Texas where the four (4) undocumented aliens were located. Lopez was unsuccessful in attempting to have the aliens open the door and exit. Lopez told agents the rear window was open and allowed agents to enter through that window. Agents discovered four (4) undocumented aliens at the residence. Additionally, the house owner made contact with agents and informed them that Guillermo Lopez-Perez was the person renting the residence. Several rental receipts for the rent of the residence were discovered with Lopez's on them. Lopez and the four (4) undocumented aliens were transported to the Rio Grande City Border Patrol Station for processing.

PRINCIPAL STATEMENT

Guillermo Lopez-Perez was read his Miranda Rights. He understood his rights and provided a sworn statement.

Lopez, a citizen of Mexico, stated he crossed illegally into the United States about five or six months ago. Lopez stated he was asked by a friend in Mexico to check up on the house for some money. Lopez was told to check on some guys and take them food because they were alone. Lopez claimed he would also go to see if the guys were still there and had checked on them twice. Lopez told agents the house was just used to harbor undocumented aliens.

MATERIAL WITNESS STATEMENTS

Felix Antonio Banegas-Polanco and Javier Jimenez-Aguilar were read their Miranda Rights. Both subjects understood and agreed to provide a sworn statement without the presence of an attorney.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-19-3132 -M

RE: Guillermo Lopez-Perez

CONTINUATION:

Felix Antonio Banegas-Polanco, a citizen of Honduras, stated his brother made the smuggling arrangements and paid more than 7,000 dollars to be smuggled to his final destination of Houston, Texas. After crossing the river along with twelve (12) other subjects, Banegas stated that he was instructed to walk in the brush until they arrived at a road where a truck will be waiting for them. Banegas stated that once they arrived at such road there would be a truck waiting for them. Banegas stated that the driver of the truck told them to hurry up and to get in. Banegas stated that all the thirteen (13) subjects, including himself were taken to a house. Approximately three (3) hours later, he was picked up along with another subject and was taken to the house where he was later apprehended. Banegas stated he entered the house there was one subject inside. The subject inside the house told him to go into a room and wait. Banegas stated that he then asked for food, but the subject inside the house told him that he had to wait until the next day.

Banegas-Polanco identified Guillermo Lopez, through a photo lineup, as the caretaker of the house.

Javier Jimenez-Aguilar, a citizen of Mexico, stated his parents made the smuggling arrangements and paid an unknown amount of money to be smuggled to his final destination of San Francisco, California. After crossing the river along with twelve (12) other subjects, Jimenez stated that they were all to be picked up and taken to a house by a truck. Jimenez stated that a couple of hours later he was picked up by a different truck and taken with another subject to another house where they were later apprehended. Jimenez stated that once he entered the house there was another subject that asked him if he was cold. Jimenez stated that he grabbed a bottle of water and asked for food, but the subject did not answer.

Jimenez-Aguilar identified Guillermo Lopez, through a photo lineup, as the caretaker of the house.